

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

LUV N' CARE, LTD. and ADMAR INTERNATIONAL, INC.,  Plaintiffs  v.  SHIBOLETH, LLP, and its members and of counsel, AMNON SHIBOLETH, OREN HEIMAN, CHARLES B. MANUEL, and ROCHELLE R. WEISBURG, and DOES 1-10,  Defendants.	Case No. 1:13-cv-04720-RRM- JM  Jury Trial Demanded
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**DECLARATION OF NOURI EDWARD HAKIM**

1. I, Nouri Edward Hakim, make this Declaration in support of Plaintiffs' response to the Motion to Dismiss of the Shibolet *et al.* Defendants.

2. There has been no unfairness to Attorney Morris E. Cohen in joining him as a party defendant, because Mr. Cohen at all times knew that a lawsuit for malpractice could be brought against him.

3. In summary, on or about March 17, 2013, Mr. Cohen for the first time advised Luv n' care that: (a) he (Mr. Cohen), Shibolet LLP and other attorneys at the Shibolet law firm had failed to file on a timely basis either (i) Interrogatories, or (ii) Requests for Production, to seek defined and documentary sales information on the sales of the accused products in question in the Walgreens case; and that thus (b) the only available data regarding the accused infringing sales were those numbers that had been obtained orally at the deposition of a witness for the accused infringer Walgreens, which abbreviated and truncated sales figures were just a fraction of the actual, total sales in question of the accused products.

4. Specifically, this previously concealed information was uncovered on the evening of March 17, 2013, when Mr. Joe D. Guerriero (Luv n' care's in-house General Counsel) and I had come to New York City at Mr. Cohen's request to testify at a March 18, 2013 hearing in a state court law suit brought against him by the Shibolet law firm -- and to which Luv n' care was not a party and had had no prior knowledge.

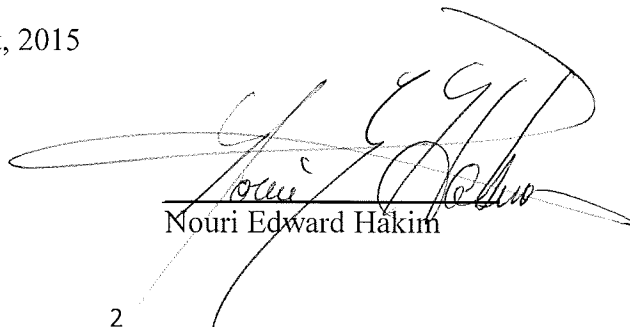
5. Up until that time, it had been represented by Mr. Cohen that the error and/or omission by Shibolet was their failure to timely name an expert witness (which in fact they also did fail to do); but however, when we arrived at Mr. Cohen's office the night of March 17, 2013, we learned for the first time that (a) the Shibolet Law Firm and its "Of Counsel" Attorney Cohen had failed timely to file suitable discovery requests, and thus had not obtained sales figures on all of the accused products, and also that (b) Mr. Cohen had filed a Counterclaim against the Shibolet law firm -- none of which had been previously known to Mr. Guerriero or to me.

6. At that time, Mr. Cohen for the first time acknowledged that he and Shibolet had committed the acts accused of malpractice herein, and that he had for several years concealed these acts from Luv n' care. Mr. Cohen further revealed that other attorneys at the Shibolet law firm, including Attorney Rochelle R. Weisburg, also knew of the events comprising their malpractice, and had likewise concealed this material information from Luv n' care.

7. The effect of Luv n' care's not having said Walgreens sales figures in a timely fashion was to reduce the recoverable damages from Walgreens by about \$5-6 million.

I state under penalty of perjury that the foregoing is true and correct.

Executed this 7th day of August, 2015

  
Nouri Edward Hakim